

§ 63.311

40 CFR Ch. I (7–1–08 Edition)

(1) Describes the time and circumstances of the startup, shutdown, or malfunction; and

(2) Describes actions taken that might be considered inconsistent with the startup, shutdown, or malfunction plan.

(f) The owner or operator shall maintain a record of internal reports which form the basis of each malfunction notification under paragraph (d) of this section.

(g) To satisfy the requirements of this section to develop a startup, shutdown, and malfunction plan, the owner or operator may use the standard operating procedures manual for the battery, provided the manual meets all the requirements for this section and is made available for inspection at reasonable times when requested by the Administrator.

(h) The Administrator may require reasonable revisions to a startup, shutdown, and malfunction plan, if the Administrator finds that the plan:

(1) Does not address a startup, shutdown, or malfunction event that has occurred;

(2) Fails to provide for the operation of the source (including associated air pollution control equipment) during a startup, shutdown, or malfunction event in a manner consistent with good air pollution control practices for minimizing emissions; or

(3) Does not provide adequate procedures for correcting malfunctioning process and/or air pollution control equipment as quickly as practicable.

(i) If the owner or operator demonstrates to the satisfaction of the Administrator that a startup, shutdown, or malfunction has occurred, then an observation occurring during such startup, shutdown, or malfunction shall not:

(1) Constitute a violation of relevant requirements of this subpart;

(2) Be used in any compliance determination under § 63.309; or

(3) Be considered for purposes of § 63.306, until the Administrator has resolved the claim that a startup, shutdown, or malfunction has occurred. If the Administrator determines that a startup, shutdown, or malfunction has not occurred, such observations may be used for purposes of § 63.306, regardless

of whether the owner or operator further contests such determination. The owner's or operator's receipt of written notification from the Administrator that a startup, shutdown, or malfunction has not occurred will serve, where applicable under § 63.306, as written notification from the certified observer that an exceedance has occurred.

(j) The owner or operator of a non-recovery coke oven battery subject to the work practice standards for door leaks in § 63.303(c) shall include the information specified in paragraphs (j)(1) and (2) of this section in the startup, shutdown, and malfunction plan.

(1) Identification of potential malfunctions that will cause a door to leak, preventative maintenance procedures to minimize their occurrence, and corrective action procedures to stop the door leak.

(2) Identification of potential malfunctions that affect charging emissions, preventative maintenance procedures to minimize their occurrence, and corrective action procedures.

[58 FR 57911, Oct. 27, 1993, as amended at 70 FR 20014, Apr. 15, 2005; 71 FR 20456, Apr. 20, 2006]

§ 63.311 Reporting and recordkeeping requirements.

(a) After the effective date of an approved permit in a State under part 70 of this chapter, the owner or operator shall submit all notifications and reports required by this subpart to the State permitting authority. Use of information provided by the certified observer shall be a sufficient basis for notifications required under § 70.5(c)(9) of this chapter and the reasonable inquiry requirement of § 70.5(d) of this chapter.

(b) *Initial compliance certification.* The owner or operator of an existing or new coke oven battery shall provide a written statement(s) to certify compliance to the Administrator within 45 days of the applicable compliance date for the emission limitations or requirements in this subpart. The owner or operator shall include the following information in the initial compliance certification:

(1) Statement signed by the owner or operator, certifying that a bypass/bleeder stack flare system or an approved alternative control device or

Environmental Protection Agency

§ 63.311

system has been installed as required in § 63.307.

(2) Statement, signed by the owner or operator, certifying that a written startup, shutdown, and malfunction plan has been prepared as required in § 63.310.

(3) Statement, signed by the owner or operator, certifying that all work practice standards for charging operations have been met as required in § 63.303(b)(3).

(4) Statement, signed by the owner or operator, certifying that all work practice standards for door leaks have been met as required in § 63.303(c).

(5) Statement, signed by the owner or operator, certifying that the information on potential malfunctions has been added to the startup, shutdown and malfunction plan as required in § 63.310(j).

(6) Statement, signed by the owner or operator, that all applicable emission limitations in § 63.303(d)(1) and (2) for a new nonrecovery coke oven battery have been met. The owner or operator shall also include the results of the PM performance test required in § 63.309(k).

(7) Statement, signed by the owner or operator, certifying that all work practice standards in § 63.303(d)(3) and (4) for a new nonrecovery coke oven battery have been met.

(c) *Notifications.* The owner or operator shall provide written notification(s) to the Administrator of:

(1) Intention to construct a new coke oven battery (including reconstruction of an existing coke oven battery and construction of a greenfield coke oven battery), a brownfield coke oven battery, or a padup rebuild coke oven battery, including the anticipated date of startup.

(2) Election to meet emission limitation(s) in this subpart as follows:

(i) Notification of election to meet the emission limitations in § 63.304(b)(1) or § 63.304(c) either in lieu of or in addition to the applicable emission limitations in § 63.302(a) or § 63.303(a) must be received by the Administrator on or before November 15, 1993; or

(ii) Notification of election to meet the emission limitations in § 63.302(a)(1) or § 63.303(a), as applicable, must be received by the Administrator on or before December 31, 1995; and

(iii) Notification of election to meet the emission limitations in § 63.304(b)(2) through (4) and § 63.304(c) or election to meet residual risk standards to be developed according to section 112(f) of the Act in lieu of the emission standards in § 63.304 must be received on or before January 1, 1998.

(3) Intention to conduct a PM performance test for a new nonrecovery coke oven battery subject to the requirements in § 63.303(d)(2). The owner or operator shall provide written notification according to the requirements in § 63.7(b).

(d) *Semiannual compliance certification.* The owner or operator of a coke oven battery shall include the following information in the semiannual compliance certification:

(1) Certification, signed by the owner or operator, that no coke oven gas was vented, except through the bypass/bleeder stack flare system of a by-product coke oven battery during the reporting period or that a venting report has been submitted according to the requirements in paragraph (e) of this section.

(2) Certification, signed by the owner or operator, that a startup, shutdown, or malfunction event did not occur for a coke oven battery during the reporting period or that a startup, shutdown, and malfunction event did occur and a report was submitted according to the requirements in § 63.310(e).

(3) Certification, signed by the owner or operator, that work practices were implemented if applicable under § 63.306.

(4) Certification, signed by the owner or operator, that all work practices for nonrecovery coke oven batteries were implemented as required in § 63.303(b)(3).

(5) Certification, signed by the owner or operator, that all coke oven door leaks on a nonrecovery battery were stopped according to the requirements in § 63.303(c)(2) and (3). If a coke oven door leak was not stopped according to the requirements in § 63.303(c)(2) and (3), or if the door leak occurred again during the coking cycle, the owner or operator must report the information in paragraphs (d)(5)(i) through (iii) of this section.

§ 63.311

40 CFR Ch. I (7–1–08 Edition)

(i) The oven number of each coke oven door for which a leak was not stopped according to the requirements in § 63.303(c)(2) and (3) or for a door leak that occurred again during the coking cycle.

(ii) The total duration of the leak from the time the leak was first observed.

(iii) The cause of the leak (including unknown cause, if applicable) and the corrective action taken to stop the leak.

(6) Certification, signed by the owner or operator, that the opacity of emissions from charging operations for a new nonrecovery coke oven battery did not exceed 20 percent. If the opacity limit in § 63.303(d)(1) was exceeded, the owner or operator must report the number, duration, and cause of the deviation (including unknown cause, if applicable), and the corrective action taken.

(7) Results of any PM performance test for a charging emissions control device for a new nonrecovery coke oven battery conducted during the reporting period as required in § 63.309(1).

(8) Certification, signed by the owner or operator, that all work practices for a charging emissions control device for a new nonrecovery coke oven battery were implemented as required in § 63.303(d)(3). If a Method 9 (40 CFR part 60, appendix A) visible emissions observation exceeds 10 percent, the owner or operator must report the duration and cause of the deviation (including unknown cause, if applicable), and the corrective action taken.

(9) Certification, signed by the owner or operator, that all work practices for oven dampers on a new nonrecovery coke oven battery were implemented as required in § 63.303(d)(4).

(e) *Report for the venting of coke oven gas other than through a flare system.* The owner or operator shall report any venting of coke oven gas through a bypass/bleeder stack that was not vented through the bypass/bleeder stack flare system to the Administrator as soon as practicable but no later than 24 hours after the beginning of the event. A written report shall be submitted within 30 days of the event and shall include a description of the event and, if applicable, a copy of the notification

for a hazardous substance release required pursuant to § 302.6 of this chapter.

(f) *Recordkeeping.* The owner or operator shall maintain files of all required information in a permanent form suitable for inspection at an onsite location for at least 1 year and must thereafter be accessible within 3 working days to the Administrator for the time period specified in § 70.6(a)(3)(ii)(B) of this chapter. Copies of the work practice plan developed under § 63.306 and the startup, shutdown, and malfunction plan developed under § 63.310 shall be kept onsite at all times. The owner or operator shall maintain the following information:

(1) For nonrecovery coke oven batteries,

(i) Records of daily pressure monitoring, if applicable according to § 63.303(a)(1)(ii) or § 63.303(b)(1)(ii).

(ii) Records demonstrating the performance of work practice requirements according to § 63.306(b)(7). This requirement applies to nonrecovery coke oven batteries subject to the work practice requirements in § 63.303(a)(2) or § 63.303(b)(3).

(iii) Design characteristics of each emission control system for the capture and collection of charging emissions, as required by § 63.303(b)(2).

(iv) Records to demonstrate compliance with the work practice requirement for door leaks in § 63.303(c). These records must include the oven number of each leaking door, total duration of the leak from the time the leak was first observed, the cause of the leak (including unknown cause, if applicable), the corrective action taken, and the amount of time taken to stop the leak from the time the leak was first observed.

(v) Records to demonstrate compliance with the work practice requirements for oven uptake damper monitoring and adjustments in § 63.303(c)(1)(iv).

(vi) Records of weekly performance tests to demonstrate compliance with the opacity limit for charging operations in § 63.303(d)(1). These records must include calculations of the highest 3-minute averages for each charge, the average opacity of five charges,

Environmental Protection Agency

§ 63.311

and, if applicable, records demonstrating why five consecutive charges were not observed (*e.g.*, the battery was charged only at night).

(vii) Records of all PM performance tests for a charging emissions control device to demonstrate compliance with the limit in § 63.303(d)(2).

(viii) Records of all daily visible emission observations for a charging emission control device to demonstrate compliance with the requirements limit in § 63.303(d)(3).

(ix) Records to demonstrate compliance with the work practice requirements for oven uptake damper monitoring and adjustments in § 63.303(d)(4).

(2) For an approved alternative emission limitation according to § 63.305;

(i) Monitoring records for parameter(s) that indicate the exhaust flow rate is maintained;

(ii) If applicable under § 63.305(f)(4)(i);

(A) Records of opacity readings from the continuous opacity monitor for the control device for the shed; and

(B) Records that demonstrate the continuous opacity monitoring system meets the requirements of Performance Specification 1 in appendix B to part 60 of this chapter and the operation and maintenance requirements in part 52 of this chapter; and

(iii) Records of quarterly visual inspections as specified in § 63.305(f)(5), including the time and date a defect is detected and repaired.

(3) A copy of the work practice plan required by § 63.306 and any revision to the plan;

(4) If the owner or operator is required under § 63.306(c) to implement the provisions of a work practice plan for a particular emission point, the following records regarding the implementation of plan requirements for that emission point during the implementation period;

(i) Copies of all written and audio-visual materials used in the training, the dates of each class, the names of the participants in each class, and documentation that all appropriate personnel have successfully completed the training required under § 63.306(b)(1);

(ii) The records required to be maintained by the plan provisions implementing § 63.306(b)(7);

(iii) Records resulting from audits of the effectiveness of the work practice program for the particular emission point, as required under § 63.306(b)(2)(i), 63.306(b)(3)(i), 63.306(b)(4)(i), or 63.306(b)(5)(i); and

(iv) If the plan provisions for coke oven doors must be implemented, records of the inventory of doors and jambs as required under § 63.306(b)(2)(vi); and

(5) The design drawings and engineering specifications for the bypass/bleeder stack flare system or approved alternative control device or system as required under § 63.307.

(6) Records specified in § 63.310(f) regarding the basis of each malfunction notification.

(g) Records required to be maintained and reports required to be filed with the Administrator under this subpart shall be made available in accordance with the requirements of this paragraph by the owner or operator to the authorized collective bargaining representative of the employees at a coke oven battery, for inspection and copying.

(1) Requests under paragraph (g) of this section shall be submitted in writing, and shall identify the records or reports that are subject to the request with reasonable specificity;

(2) The owner or operator shall produce the reports for inspection and copying within a reasonable period of time, not to exceed 30 days. A reasonable fee may be charged for copying (except for the first copy of any document), which shall not exceed the copying fee charged by the Administrator under part 2 of this chapter;

(3) Nothing in paragraph (g) of this section shall require the production for inspection or copying of any portion of a document that contains trade secrets or confidential business information that the Administrator would be prohibited from disclosing to the public under part 2 of this chapter; and

(4) The inspection or copying of a document under paragraph (g) of this section shall not in any way affect any property right of the owner or operator in such document under laws for the

§ 63.312

40 CFR Ch. I (7–1–08 Edition)

protection of intellectual property, including the copyright laws.

[58 FR 57911, Oct. 27, 1993, as amended at 70 FR 20014, Apr. 15, 2005]

§ 63.312 Existing regulations and requirements.

(a) The owner or operator shall comply with all applicable State implementation plan emission limits and (subject to any expiration date) all federally enforceable emission limitations which are contained in an order, decree, permit, or settlement agreement for the control of emissions from offtake systems, topside port lids, coke oven doors, and charging operations in effect on September 15, 1992, or which have been modified according to the provisions of paragraph (c) of this section.

(b) Nothing in this subpart shall affect the enforcement of such State implementation plan emission limitations (or, subject to any expiration date, such federally enforceable emission limitations contained in an order, decree, permit, or settlement agreement) in effect on September 15, 1992, or which have been modified according to the provisions in paragraph (c) of this section.

(c) No such State implementation plan emission limitation (or, subject to any expiration date, such federally enforceable emission limitation contained in an order, decree, permit, or settlement agreement) in effect on September 15, 1992, may be modified under the Act unless:

(1) Such modification is consistent with all requirements of section 110 of the Act; and either

(i) Such modification ensures that the applicable emission limitations and format (e.g., single pass v. multiday average) in effect on September 15, 1992, will continue in effect; or

(ii) Such modification includes a change in the method of monitoring (except frequency unless frequency was indicated in the State implementation plan, or subject to any expiration date, other federally enforceable requirements contained in an order, decree, permit, or settlement agreement) that is more stringent than the method of monitoring in effect on September 15, 1992, and that ensures coke oven emis-

sion reductions greater than the emission reductions required on September 15, 1992. The burden of proof in demonstrating the stringency of the methods of monitoring is borne by the party requesting the modification and must be made to the satisfaction of the Administrator; or

(iii) Such modification makes the emission limitations more stringent while holding the format unchanged, makes the format more stringent while holding the emission limitations unchanged, or makes both more stringent.

(2) Any industry application to make a State implementation plan revision or other adjustment to account for differences between Method 303 in appendix A to this part and the State's method based on paragraph (c)(1)(ii) of this section shall be submitted within 12 months after October 27, 1993.

(d) Except as specified in § 63.307(f), nothing in this subpart shall limit or affect any authority or obligation of Federal, State, or local agencies to establish emission limitations or other requirements more stringent than those specified in this subpart.

(e) Except as provided in § 63.302(c), section 112(g) of the Act shall not apply to sources subject to this subpart.

§ 63.313 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (d) of this section are retained by the Administrator and cannot be transferred to the State, local, or Tribal agency.

(c) Withdrawal of authority: